

REMARKS

In the Final Office Action, the Examiner rejected claims 1-44. By the present Response, Applicants have amended claims 1, 7 and 23 and added new claims 45 and 46. Upon entry of the amendments, claims 1-46 will be pending in the present application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Non-Statutory Doubling Patenting

In the Final Office Action, the Examiner rejected claims 1-38 under the judicially created doctrine of obviousness-type doubling patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,667,879 (hereinafter "the '879 patent"). Applicants do not agree with this rejection, because the pending claims are non-obvious and patentably distinct from the claims of the '879 patent. Nonetheless, Applicants will strongly consider filing a terminal disclaimer once the allowability of the pending claims has been determined. Accordingly, Applicants respectfully request that the Examiner hold the double patenting rejection in abeyance until the allowability of the presently pending claims is finally determined.

Rejections Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 1-7, 10, 12-15, 17-20, 22, 23-28, 30-33, 35-37, 39-42, and 44 under 35 U.S.C. § 102(b) as anticipated by the Mitchell et al. reference (U.S. Patent No. 5,305,180; hereinafter "Mitchell"). In rejecting independent claim 1, the Examiner stated as follows:

Mitchell teaches a latch mechanism (fig. 4) for a removable component (20) of an electronic device (10), comprising: a retention latch (90), a leveraging release member (135), and a multi-stage actuator (40) comprising: a first actuator member (108) having a generally linear path of travel (horizontally in fig. 4) and being engageable in a

first position (fig. 6B) to move the retention latch, and a second actuator member (42) having a generally linear path of travel (horizontally in fig. 4) and being engageable in a second position (fig. 6b) to move the leveraging release member (claim 1).

Final Office Action mailed December 10, 2004, p. 3. In rejecting independent claim 12, the Examiner stated as follows:

Mitchell teaches a computer drive (20, fig. 2) comprising: a drive chassis (20), a latch (90) movable between released and secured positions (figs. 5) [*sic*] against the drive chassis, a lever (135) movable between unleveraged and leveraged positions (figs. 6) [*sic*] against the drive chassis, a first actuator (108) configured to engage with the latch to move the latch from the secured position to the released position, and a second actuator (42) configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claim 12).

Id. at p. 4. These rejections typify the Examiner's interpretation of Mitchell and the Examiner's anticipation rejections of the independent claims of the present application.

Applicants, however, respectfully assert that Mitchell does not anticipate the pending claims. A *prima facie* case of anticipation under Section 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. See *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Thus, for a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. See *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Indeed, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Therefore, if a claim recites even one feature not found in the cited reference, the cited reference cannot be said to anticipate the claimed subject matter. Accordingly, Applicants need only show that cited reference fails to disclose only one

recited element of a given claim to overcome the anticipation rejection. Furthermore, Applicants respectfully emphasize that for anticipation the cited reference must not only disclose all of the recited features but must also disclose the part-to-part relationships between these features. See *Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984).

With the foregoing in mind, Applicants respectfully assert that Mitchell does not anticipate independent claims 1, 12, 23, 32, and 39 and the claims depending respectively therefrom.

Amended Independent Claim 1 and the Claims Depending Therefrom

Amended independent claim 1 recites, *inter alia*, as follows:

a first actuator having a generally linear path of travel to move the retention latch; and a second actuator having a generally linear path of travel to move the leveraging release member, wherein the first actuator is linearly movable independent of the second actuator.

(Emphasis added.) Respectfully, Applicants assert that Mitchell does not disclose all of the above-recited features, particularly the underlined features.

In contrast to the recited subject matter of claim 1, Mitchell discloses a device in which any linear movement of the catch member 108 is necessarily accompanied by linear movement of the shaft 42. In the Mitchell device, the “catch member 108...is secured to shaft 42.” Mitchell, col. 6, ll. 53-55 (emphasis added.) “Catch member 108 is provided with an outwardly extending angled tooth 110.” *Id.* at col. 6, ll. 55-57. In describing the operation of the disclosed device, Mitchell states that “[i]nward movement of the shaft 42 causes the angled tooth 110 to rotate pivotable member 90 clock-wise until locking edge 95 disengages from locking edge 28 formed in the disk drive.” *Id.* at col. 8, ll. 32-35. Release of the component 20 of the Mitchell device by inwardly moving the

shaft 42, operates because the catch member 108 is secured to the shaft 42 and both move together causing the angled tooth to rotate pivotable member 90. Thus, the catch member 108 of Mitchell, which is secured to the shaft 42, necessarily moves together with and not independently of the shaft 42.

Therefore, Applicants respectfully assert that Mitchell does not disclose all of the features recited in amended independent claim 1 and its respective dependent claims 2-7 and 10. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 1-7 and 10.

Amended Independent Claim 23 and the Claims Depending Therefrom

In a general sense, amended independent claim 23 recites a first actuator that is moveable without movement of a second actuator. Specifically, amended independent claims 23 recite, *inter alia*, as follows:

a first actuator movable in a first linear path adapted to unlatch the component retention latch from the removable component; and a second actuator movable in a second linear path adapted to bias the lever against the removable component; wherein the first actuator is movable in the first linear path without movement of the second actuator.”

(Emphasis added.) Respectfully, Applicants assert that Mitchell does not disclose all of the above-recited features, particularly the underlined features.

In contrast to the subject matter of claim 23, Mitchell discloses a “catch member 108 ...which is secured to shaft 42.” Mitchell, col. 6, ll. 53-55. Thus, the catch member 108 is moved by movement of the shaft 42. *See* Mitchell, col. 6, ll. 53-55. As also discussed above, linear movement of catch member 108 of Mitchell to release the component 20 is effectuated only by movement of the shaft 42. *See id.* at col. 8, ll. 32-35.

As such, there cannot be movement of the catch member 108 of Mitchell without movement of the shaft 42.

Therefore, Applicants respectfully assert that Mitchell does not anticipate amended independent claim 23 and its respective dependent claims 24-28 and 30-31. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 23-28, 30-31, and 46.

Independent Claims 12, 32, and 39 and the Claims Depending Therefrom

Independent claims 12, 32, and 39 respectively recite, *inter alia*, as follows:

Claim 12: “a first actuator configured to engage with the latch to move the latch from the secured position to the released position; and a second actuator configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position;”

Claim 32: “positioning a first actuator for release of a drive retention latch in a first position; and disposing a second actuator for engagement of a drive release lever in a second position beyond the first position, wherein the second actuator engages the drive release lever after release of the drive retention latch,” and

Claim 39: “providing a first actuator configured to engage with the latch to move the latch from the secured position to the released position; and providing a second actuator configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position.

(Emphasis added.) Respectfully, Applicants assert that Mitchell does not disclose all of the above-recited features, particularly the underlined features.

In contrast to the subject matter of the above-quoted claims, Mitchell discloses a latching assembly including a shaft 42 engaging a pivotable member 90 and a pivotable ejector member 135. The Mitchell device includes a catch member 108 that is secured to the shaft 42. *See* Mitchell, col. 6, ll. 53-55. “Catch member 108 is provided with an outwardly extending angled tooth 110 (FIG. 6A) which engages surface 105 of pivotable member 90 when the shaft 42 is forced inwardly by pressure on knob 41 (see FIG. 6B). Thus when the shaft 42 is forced inwardly, the pivotable locking member 90 is rotated in the clockwise direction as viewed in FIGS. 4, 6A and 6B to release the locking edge 95 from the locking edge 28 in the disk drive 20.” Mitchell, col. 6, ll. 55-63. “Positioned adjacent the inner end of shaft 42 is a pivotable member 135.” *Id.* at col. 7, ll. 30-31. Mitchell also states that “[m]ember 135 is arranged such that inward motion of the shaft 42 causes the member 135 to pivot about post 136” (Mitchell, col. 7, ll. 38-40) and that “[i]nward movement of shaft 42 causes angled tooth 110 to rotate pivotable member 90 clock-wise until locking edge 95 disengages from locking edge 28 formed in disk drive 20” (Mitchell, col. 7, ll. 38-40). Thus, in Mitchell, inward movement of shaft 42 simultaneously moves both pivotable members 90 and 135.

Thus, Applicants respectfully assert that Mitchell does not disclose the above quoted features of, and does not anticipate, independent claims 12, 32, and 39 and their respective dependent claims 13-15, 17-20, 22, 33, 35-37, 40-42, 44, and 45. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 12-15, 17-20, 22-28, 30, 32, 33, 35-37, 39-42, 44, and 45.

Rejections Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected dependent claims 8, 11, 21, 29, 34, 38, and 43 under 35 U.S.C. § 103(a) as obvious in view of Mitchell and the Lwee reference (U.S. Patent No. 5,299,089; hereinafter “Lwee”), rejected dependent claim 9

under Section 103(a) as obvious in view of Mitchell and the Cheng reference (U.S. Patent No. 6,469,900; hereinafter "Cheng"), and rejected dependent claim 16 under the Section 103(a) as obvious in view of Mitchell and the Tirrell et al. reference (U.S. Patent No. 5,828,546; hereinafter "Tirrell").

Applicants, however, respectfully assert that the additional references, Lwee, Cheng and Tirrell, do not obviate the deficiencies of Mitchell, as discussed above in relation to the independent claims of the present application. Accordingly, Applicants respectfully assert that the presently rejected dependent claims are patentable over and non-obvious in view of Mitchell, Lwee, Cheng, and Tirrell, taken alone or together. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of dependent claims 8, 9, 11, 16, 21, 29, 34, 38, and 43.

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Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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Manish Vyas
Registration No. 54,516
(281) 970-4545

CORRESPONDENCE ADDRESS
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400